

credible in that if they had no basis in fact Mason would be in violation of the May, 2004 Consent Injunction as well as egregious interference in the affairs of the Debtor and the Defendant.

Because of the impending criminal investigations disclosed by Roger Mason the Defendant cannot respond to discovery or further issues in this adversary proceeding without jeopardizing

his Fifth Amendment privilege against self-incrimination by creating the possibility that his responses will aid the prosecution against him. See Wehling v. Columbia Broadcasting System, 608 F.2d 1084 (5th Cir. 1979). A target of a criminal investigation has a legitimate basis to invoke his Fifth Amendment privilege. See Mitchell v. United States, 526 U.S. 314, 326 (1999).

It should be noted, however, that the allegations of a pending criminal action against the Defendant is predicated upon the Plaintiff's own words. The Defendant has cause to believe the Plaintiff, Mr. Mason and his lawyers have been actively soliciting law enforcement agencies to aid them in their prosecution of alleged wrongs of the Defendant against the Plaintiff. One Example occurred in March, 2007, when the Defendant was informed by his former bankruptcy counsel, Barbara Rogers, that counsel for the Plaintiff solicited her to sign a complaint for perjury against the Defendant.

The Court can easily resolve the Defendant's concerns and make a fully informed decision whether or not to stay proceedings against the Defendant by requiring Mr. Mason to appear before it and testify as to his personal knowledge of any parallel criminal investigation pending against the Defendant that would be cause for the Defendant's assertion of his Fifth Amendment privileges in this action, and for the Court to stay proceedings against the Defendant until those investigation have been fully

concluded.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, certified mail, return receipt requested, to Margaret McClure on this the 22nd day of October, 2007.

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